

STAFF REPORT

DATE: October 24, 2018

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T18SA00435

C10-18-20 UR INVESTMENTS RESIDENTIAL LOT SPLIT / UR INVESTMENTS LLC / 827 SOUTH 8TH AVENUE, R-3

The applicant's property is approximately 12,196 square feet in size and is zoned R-3 "Residential". The property is developed with four attached single-family dwelling units. The applicant is proposing to split the parcel to create two, approximately 6,100 square foot lots (Lot 7A and Lot 7B), convert the existing building into a duplex so that each dwelling unit is located on its own lot, and construct additions and detached garages.

THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variances:

- 1) Allow reduced side perimeter yard setbacks for Lot 7A from 9'-4" to 0' as measured from the existing building wall and proposed additions to the north and south lot lines;
- 2) Allow a reduced side perimeter yard setback for Lot 7A from 7'-0" to 5'-0" as measured from the proposed garage to the north lot line;
- 3) Allow a reduced side perimeter yard setback for Lot 7A from 7'-0" to 4'-0" as measured from the proposed garage to the south lot line;
- 4) Allow reduced side perimeter yard setbacks for Lot 7B from 9'-4" to 0' as measured from the existing building wall and proposed additions to the north and south lot lines;
- 5) Allow a reduced side perimeter yard setback for Lot 7B from 7'-0" to 4'-2" as measured from the proposed garage to the north lot line; and
- 6) Allow a reduced side perimeter yard setback for Lot 7B from 7'-0" to 5'-0" as measured from the proposed garage to the south lot line, all as shown on the submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

Tucson *Unified Development Code (UDC)* sections applicable to this project include, in part, the following:

Section 4.7.12 *Residence Zone (R-3)* and Table 4.8-2 *Permitted Uses – Urban Residential Zones*, which provides the use criteria in the R-3 zone; and

Table 6.3-2.A *Dimensional Standards for the R-3 Zone*, which provides the perimeter yard setback standards for the R-3 zone.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED R-3; (multi-family residential)

North: Zoned R-3; (single-family residential)

South: Zoned P; (parking lot)

East: Zoned R-3; (pre-school/daycare center)

West: Zoned R-3; (single-family residential)

RELATED PLAN REVIEWS

Engineering

The Engineering Section of Planning and Development Services Department has no objections or adverse comments.

BOARD OF ADJUSTMENT FINDINGS

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.
3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

ZONING ADMINISTRATION CONSIDERATIONS

The applicant's property is approximately 12,196 square feet in size and is zoned R-3 "Residential". The property is developed with four attached single-family dwelling units. The applicant is proposing to split the parcel to create two, approximately 6,100 square foot lots (Lot 7A and Lot 7B), convert the existing building into a duplex so that each dwelling unit is located on its own lot, and construct additions and detached garages. The proposed lot split and construction triggers compliance with the Tucson *Unified Development Code (UDC)*.

Perimeter Yard Setbacks

Per *UDC* Table 6.3-2.A, based on a wall height of 14'-0" for the existing and proposed addition to the main structure, the required perimeter yard setback is 9'-4". The proposed perimeter yard setback is 0'.

Based on a wall height of 10'-6" for the proposed detached garages, the required perimeter yard setback is 7'-0". The proposed setbacks for the garage located on Lot 7A is 5'-0" to the north and 4'-0" to the south lot lines. The proposed setbacks for the garage located on Lot 7B is 4'-2" to the north and 5'-0" to the south lot lines.

Discussion

The applicant's property is located in the historic Barrio Santa Rosa neighborhood and is developed with a fourplex. The subject parcel is surrounded primarily by residential uses with the exception of the pre-school located to the east. The applicant is proposing to convert the existing building into a duplex and split the parcel with a new interior lot line so that each unit is on its own separate lot. The new interior lot line will be a straight line that extends from the common wall between the two units towards the street and rear lot lines. The 2,500 square-foot building was constructed at the front street lot line and occupies the full width of the lot. The additions to the building will remain consistent with the 0' prevailing side perimeter yard setbacks. A two-car detached garage will be provided at the rear of each unit. Given the historic nature of the neighborhood, reduced perimeter yard setbacks are a common occurrence throughout the neighborhood. The project as proposed will result in a reduction from four to two residential units and revitalize a contributing structure to the neighborhood. In addition, the impacts to the immediate neighborhood will be less as these lots will be single-family residential uses with parking located on site.

Conclusion

Given that there are special circumstances that exist such as the existing building with reduced perimeter yard setbacks; and the project as proposed will not increase congestion; and that the request is consistent with the development in the neighborhood, staff can support the applicant's requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANTS)

See the attached neighborhood notifications dated August 17, 2018, and the meeting sign-in sheet dated August 24, 2018.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff has no objection to the applicant's requested variances.

It is the opinion of staff that granting of the variances will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located, will not be detrimental to public welfare or injurious to other property or improvements, and will not substantially diminish or impair property values within the neighborhood.

Mark Castro, Lead Planner
for
Russlyn Wells, Acting Zoning Administrator

RW:mc: s/zoning administration/ba/1820.doc